

**BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

**Docket No. 2017-47-E**

In the matter of:  Duke Energy Carolinas, LLC's Application for a Certificate of Public Convenience and Necessity for the Provision of Steam (Heat) Service and for Approval of a Contract with Clemson University	<b>CITY OF CLEMSON'S PETITION TO INTERVENE</b>
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**PETITION**

The City of Clemson, South Carolina hereby petitions to intervene in this proceeding.

The following information is provided in support of the petition:

1. Petitioner is:

The City of Clemson, South Carolina  
1250 Tiger Boulevard, Ste.1  
Clemson, South Carolina 29631

2. Petitioner will be represented by counsel in this proceeding:

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3. The City of Clemson, South Carolina, is a municipality organized under the laws of the State of South Carolina. The United States Census estimates that, as of July 1, 2015, the population of the City was 15,446. Total area of the City is approximately 7.9 square miles.

The mission statement for the City: The City of Clemson is committed to providing services that are accountable and accessible and governed by sound, professional, and ethical principles, in order to preserve and enhance the superior quality of life in our community.

Vision statement: The City of Clemson is a university town that provides a strong sense of community and a high quality of life for its residents. University students add to its diversity and vitality. The City is dedicated to providing a quality living environment for all its residents by ensuring a balanced, compatible, and healthy mix of residential and commercial development, while preserving and improving its natural resources, and promotes its image as a desirable, visually attractive, safe, and economically stable residential community. The City actively seeks cooperation with its neighbors to ensure the fulfillment of its vision.

4. The City of Clemson is immediately adjacent to the site of the proposed facility. Residents of the City live within 100 feet (33 steps) of the proposed facility, in well-established neighborhoods (See, Exhibit B – Site Plan; Exhibit A to Applicant’s Ground Lease). At least 250 homes and residential lots within the City are present within 1/3 of a mile of the proposed facility site. Although the proposed facility location appears to be solely located on Clemson University property, emissions, fugitive emissions, transport of natural gas, noise, traffic, sewage, and effluent discharges necessarily travel outside of the proposed facility boundaries, affecting properties within the City of Clemson’s corporate limits. Serious concerns have been raised over the site location selection process, as well as the potential for health and safety impacts, environmental and wetland damages, property value diminution, loss of property enjoyment, increased noise and light pollution, and increased traffic.

Furthermore, the City understands that the Applicant intends to discharge wastewater to the City of Clemson sewer system (Exhibit E, Application), and, upon information and belief, that Applicant desires 100,000 gallons of wastewater treatment capacity. However, the proposed facility is slated to be located outside of the City’s corporate limits. Service is not guaranteed outside the City limits. The City of Clemson historically has required annexation before providing sewer service outside of the City. Furthermore, City Council unanimously issued Resolution 2017-003 on April 4, 2017, expressly opposing the proposed facility. Thus, it appears unlikely that City Council would approve a request for City sewer service at the proposed facility.

5. The issues that Petitioner respectfully requests to raise at the proceeding for consideration by the Commission are complex, and may be of first impression with the Commission:
  - a. Clemson University owns 17,000 acres, yet chose to site the proposed power generation facility within 100 feet of residential neighborhoods and within a tenth of a mile of the South Carolina Botanical Garden. Potential adverse impacts of proposed location of facility, include, but are not limited to:
    - (i) CO<sub>2</sub> and NO emissions from 65 to 75-foot stack(s);
    - (ii) fugitive methane emissions from shale oil fracking, and from the transport (piping) and combustion of natural gas;

- (iii) noise and light pollution inherent with locating an industrial facility in close proximity to residences;
  - (iv) increased traffic during and after construction;
  - (v) diminution of property enjoyment and property values; and,
  - (vi) environmental and wetland impact, as proposed site is in close proximity to a stream.
- b. It is not clear from the application whether Duke Energy would use the best available pollution controls for the gas-fired power plant, particularly with respect to NO emissions.
- c. The City and her residents, along with many members of the international scientific community, are concerned about the negative economic, environmental, and climate impacts of continuing dependence on natural gas (a fossil fuel), and, in particular, Duke Energy's heavy dependence on natural gas obtained from shale oil fracking operations, largely via the Transco and Atlantic Coast Pipelines.
- d. Clemson University's 17,000 acres, along with the sharp increase in numbers of buildings and surface parking lots on campus, would appear to present a huge solar photovoltaic potential. Market pricing for solar power may be lower than the cost of the power the University claims it needs to add, particularly as the use of natural gas reduces its supply over time. A comprehensive assessment of solar potential, with a focus on rooftops, parking lots, and previously cleared land, as well as measures for aggressive energy conservation by the University, would likely provide, in whole or in part, an opportunity for long-term cleaner and less expensive power generation, thus benefiting the ratepayer(s), as well as the citizens of Clemson and South Carolina.
- e. Whether the proposed facility can obtain permission from the City for treatment of wastewater, and the cost thereof, has not been determined. No provision in the application expressly addresses this cost or the cost of any alternative wastewater treatment. Alternative wastewater treatment options might require construction of a forced mainline to transport wastewater to the University treatment facility 2-3 miles away.

The City respectfully submits that these and other issues are relevant to the Commission's consideration of the CPCN application and the proposed facility's implications for the University and other South Carolina ratepayers. The City believes there are better and more economically viable locations for the proposed plant, as well as that there are more economical, cleaner, and more renewable energy sources and technologies that would lessen long-term climate damage and its cost, as well as lessen the current and future costs of providing energy to the University. The City submits that the current application does not sufficiently justify the issuance of a Certificate of Convenience and Necessity.

The City urges the Commission to fully investigate and consider the need for the proposed power facility, the impact of the proposed facility on City residents, the impact on climate change, and the ultimate cost to the ratepayer(s), Duke Energy customers, and the community.

At a public meeting held Monday, April 10, 2017, Senator Thomas Alexander and Representative Gary Clary announced that Clemson University President Jim Clements had agreed that the University would conduct a “reevaluation” of the site for the proposed facility. If this “reevaluation” is seriously done, with opportunity for public and scientific input and actual consideration of what is in the best interests for the community, the University, and the environment on a long-term basis, and should the Commission grant the present petition to intervene, the City requests that the date for a hearing before the Commission either be delayed or set at such a time as to allow the “reevaluation” process to take place, as the decision may affect the application and rates therein. (*See also*, Order 2017-26(h)(A) dated 04/12/17).

6. The City submits that its responsibility to the health and wellbeing of its citizens and visitors, its operation of the wastewater facility sought to be used by the Applicant, its immediate proximity to the proposed power facility, and the unique and long-term relationship between the City and the University, when added to the fact that the City does not stand to gain financially from the proposed contract, put it in the position to assist the Commission in resolving the issues in this proceeding.
7. Based on the information provided above, and in accordance with the Commission’s rules of procedure, I request that the City of Clemson be allowed to participate in this proceeding as an intervenor. We agree not to unreasonably: broaden the issues; burden the record; or delay the proceeding.

This the 13th day of April 2017.

Respectfully submitted,

**s/ Mary C. McCormac**

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